

Appl. No. : 09/818,699
Filed : March 27, 2001

REMARKS

The July 20, 2006 Final Office Action was based upon pending Claims 1 and 5-9. This amendment amends Claims 1, 5, 7 and 8, cancels Claims 6 and 9, and adds new Claims 10-20. Thus, after entry of this amendment Claims 1, 5, 7, 8, 10-20 are pending and presented for further consideration.

In the February 13, 2006 Office Action, the Examiner rejected Claims 1, 5, and 8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0039659 to Simmons et al. ("the Simmons publication") in view of U.S. Patent Publication No. 2003/0046366 to Pardikar et al. ("the Pardikar publication") and further in view of the article "Applied Cryptography" to Schneier ("the Schneier article").

The Examiner further rejected Claims 6 and 9 under 35 U.S.C. 103(a) as being unpatentable over the Simmons publication in view of the Pardikar publication in view of the Schneier article and further in view of U.S. Patent No. 6,789,195 to Prihoda et al. ("the Prihoda patent").

The Examiner further rejected Claim 7 under 35 U.S.C. 103(a) as being unpatentable over the Simmons publication in view of the Pardikar publication in view of the Schneier article and further in view of U.S. Patent No 6,094,721 to Eldridge et al. ("the Eldridge patent").

Reconsideration of the pending claims as amended is respectfully requested.

REJECTION OF CLAIMS 1, 5, and 8 UNDER 35 U.S.C. § 103(a)

The Examiner rejected Claims 1, 5, and 8 under 35 U.S.C. 103(a) as being unpatentable over the Simmons publication in view of the Pardikar publication and further in view of the Schneier article.

Claim 1

Simmons, Pardikar, and Schneier, alone or in combination, do not teach checking an attribute of the requested data to determine an owner of the

encryption key. Further, Simmons, Pardikar, and Schneier, alone or in combination, do not teach comparing the owner of the encryption key obtained from the attribute with the requestor to determine whether the requestor is the owner of the encryption key.

In contrast, an embodiment teaches if the requested data is encrypted with an encryption key, checking the attribute of the requested data to determine an owner of the encryption key, and comparing the owner of the encryption key obtained from the attribute with the requestor to determine whether the requestor is the owner of the encryption key. See page 12 lines 13-29.

Because the references cited by the Examiner do not disclose, teach or suggest receiving a request by a requestor using a client computer system for data from at least one network server, checking an attribute of the requested data to determine whether the requested data is encrypted, if the requested data is encrypted with an encryption key, checking the attribute of the requested data to determine an owner of the encryption key, and comparing the owner of the encryption key obtained from the attribute with the requestor to determine whether the requestor is the owner of the encryption key, Applicant asserts that Claim 1 is not obvious in view of Simmons, Pardikar, and Schneier, alone or in combination. Applicant therefore respectfully submits that Claim 1 is patentably distinguished over the cited references and Applicant respectfully requests allowance of Claim 1.

Claim 5

Although Claim 5 has different language than Claim 1, Claim 5 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Claim 8

Although Claim 8 has different language than Claim 1, Claim 8 is believed to be patentable for similar reasons (where applicable), and because of the different features recited therein.

Appl. No. : 09/818,699
Filed : March 27, 2001

REJECTION OF CLAIMS 6, 7, and 9 UNDER 35 U.S.C. § 103(a)

The Examiner further rejected Claims 6 and 9 under 35 U.S.C. 103(a) as being unpatentable over the Simmons publication in view of the Pardikar publication in view of the Schneier article and further in view of the Prihoda patent.

The Examiner further rejected Claim 7 under 35 U.S.C. 103(a) as being unpatentable over the Simmons publication in view of the Pardikar publication in view of the Schneier article and further in view of the Eldridge patent.

Claims 6 and 9

By this amendment, Applicant has canceled Claims 6 and 9 without prejudice or disclaimer. Accordingly, Applicant respectfully requests the Examiner to withdraw the objection under 35 U.S.C. 103(a).

Claim 7

Claim 7, which depends from Claim 5, is believed to be patentable for the same reasons articulated above with respect to Claims 5, and because of the additional features recited therein.

NEW CLAIMS 10-20

New Claims 10-14 depend from amended Claim 1, new Claims 15-17 depend from amended Claim 5, and new Claims 18-20 depend from amended Claim 8, and are believed to be allowable for the same reasons articulated above with respect to Claims 1, 5, and 8, respectively, and because of the additional features recited therein.

New Claims 10-20 have been added to more fully define the Applicant's invention and are believed to be fully distinguished over the prior art of record.

CONCLUSION

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and

Appl. No. : 09/818,699
Filed : March 27, 2001

cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: September 20, 2006 By: Karen J. Lenker
Karen J. Lenker
Registration No. 54,618
Agent of Record
Customer No. 20,995
(949) 760-0404

2864000
082306